

1870-009 Chancery Causes: Wright Stickley & Co. vs. Ross Stickley & Co.
Lee Co.

Richmond

1 Flat

CA- Estate Dispute
T- Property

To the worshipful County Court of
Lee County Va. in Chancery now sitting -

The bill of complaint of Wright Stickley
North Stickley, Benjamin F. Richmond and
Mortua his wife, Respectfully represents
that Vastine Stickley, departed this life in-
testate, in said County on the day of
185. At the time of his death he left
a widow, Stickley, and the following

named children, to wit. The said Wright Stickley
North, Stickley, Mortua Stickley now the wife
of Benjamin F. Richmond, Morgan Stickley
Ross Stickley and Vastine Stickley. The de-
cedent Vastine Stickley, owned, several tracts of
land lying on the waters, of Wallins Creek in
the said County, which are accurately, surveyed
and described, by the copies of deeds thereto,
herewith filed & respectively marked A. B. C.

which lands descended to his
said heirs at law. But your Complain-
ants state, that, the said widow, has also
departed this life; and the said Morgan
after he became 21 years of age departed
this life, intestate leaving neither widow or
lineal descendants - so that the interest, which
he inherited from his said father has passed
to his surviving brothers & sisters - so that it
will now appear, the said Ross & Vastine
Stickley, now own, as co-possessors the entire
real, estate which was owned by their said
father Vastine Stickley at the time of his death.

They think proper to state that no part
of the lands referred to, will be required for

payment of any debts, due from, the estate
of either their said father or brother; and the
object of this bill is to have partition
thereof made between those entitled -

Their prayer therefore is that the said
Ross Stickley & Vastine Stickley who are
infants under 21 years of age, be made
parties defendants to this bill; that a guardian
ad litem be appointed, for them who
will answer the same & protect their
interest: That on a hearing a decree be
rendered, appointing Commissioners, whose
duty it shall be, made to go upon the
land in the bill mentioned and partition
the same among the parties entitled - And
grant after further & general relief; May
summons issue &c -

Hagan & Pindemore
for complainants -

Wright Stickley et al

vs } Bill in Chy

Ross Stickley et al.

Exhibits

filed

1870 ^{May} B. filed. Spa Ex^d + D. Nisi

June. Decree nisi bond and
cause set for hearing by Cff.

July Decree of Continuance
set for cont^d Sept cont^d

Oct Decree final.

C \$10.98

A 15.00

S 2.50

L. A. L. 5.00

Commo 34.56

\$78.04

ch 66

To the Honorable Henry J. Morgan Judge of
the County Court of Lee County in Chancery sitting:
The joint answer of Ross Stickley and
Vastine Stickley by David Miller their guardian
ad litem to the bill of Complaint filed
in this Court by Wright Stickley Worth
Stickley Benjamin F. Richmond and Martha
his wife against these defendants respectfully
represents that they are infants under the
age of twentyone years and are not ca-
pable of judging of their rights and interest
in the premises and consequently neither
admit nor deny the allegations contained
in the Complainants bill but they claim
and reserve to themselves now and
at all times hereafter the benefit of
the usual exceptions to Complainants
bill And the Court of Chancery being
the peculiar guardians of the rights of
minors they ask the protection of the Court
in any and all things that effect their
rights in the premises and they further
ask that the plaintiffs in this Cause be
required to proceed according to the strict
rules of equity. And Having answered
as fully as it is deemed necessary for them
to answer they ask to be dismissed with
their Costs

David Miller
Guardian ad litem,

Fee of Guardian ad litem
\$5.00

Virginia Lee County to wit:

This day David Miller personally appeared before me the undersigned Clerk of the County Court of Lee County Va. and made oath that the within answer is true to the best of his knowledge and belief. This 20th day of July 1870.

B West Clerk

Mrs. Sticklebottom
Answer of
Guardian ad litem
Bos Sticklebottom
July 20 - 1870
J. B. West

Wright Stickley et al

against

Ross Stickley et al

In chry -

This cause came on again to be heard, upon the papers formerly read in the cause, and the report of Carr Bailey, Granville L. Duff & William D. Duff - Commissioners, and was argued by counsel, And it appearing to the court that, said report has been filed more than 30 days among the papers of this cause and no exceptions being taken thereto, the same is confirmed, An consideration, whereof it is adjudged ordered and decreed, that each of the parties in this suit - Heris of the late washing Stickley deceased, Take and hold, the lots or parcels of land assigned each according to the boundaries, and conditions set forth in said report, Holding the same in fee simple, ~~free~~ from the claims, the other heirs, but, should an ejectment suit now pending for the portion of land assigned Wright Stickley be determined against the said heirs, then nothing herein contained is to be so construed as to prevent the said Wright Stickley, from recovering on the other heirs for antribution - and it is further ordered, that the clerk, of this court record in the proper deed book of this county the said plot & report, & when recorded the same is to have the effect of a deed - And it appearing to the court that ~~the~~ parties in this suit are equally interested, in the said partition, it order that each of the adult

port his pay an equal part of the costs of this
suit - and that the guardians of the infants
pay out of the fund in his hand their por-
tion of the same costs & that, a receipt
therefor shall be a proper voucher therefor
in his settlement of his guardianship account.
and no further action being necessary the cause is
stricken from the docket, with leave to
either plaintiffs or defendants to apply to this
Court to enforce this decree.

Wm. H. Stickley et al

vs
Decree.

Wm. H. Stickley et al

W. B. Pag 91 & 92

3

Enter this decree

H. P. Morgan

Oct 47th 1870

cl. 56

Wright Stickley et al }
Ress. Stickley et al } In chy-

This cause came on this day to be heard upon the bill of the plaintiffs; exhibits filed; the answer of Ress Stickley & Vastine Stickley by David Miller their guardian ad litem; and was argued by counsel.

On consideration whereof it is adjudged ordered, and decreed that Carr Bailey Granville C. Duff and William P. Duff be appointed commissioners whose duty it shall be, to go upon the lands in the bill mentioned, and partition the same, assigning or allotting, as to them may, proper having due regard to quantity & quality; To Wright Stickley one fifth; to Worth Stickley one fifth; to Martha Richmond one fifth; to Ress Stickley one fifth and to Vastine Stickley one fifth;—

But if it should be inconvenient to make such assignments or allotments, the said commissioners are authorized, to assign to any of the said heirs, a greater or less quantity, in value, than one fifth; and equalize the partition, by directing anyone or more of said heirs, who shall be allotted a greater quantity than one fifth, to pay to him or her, who shall be allotted, a less quantity, than one fifth a sum of money sufficient to make up the deficiency; and they are also authorized, to lay off the shore of any two or more adjoining if desired. And return a plot & report of their proceedings to this Court at its next term, to which time the cause is continued.

120
Wright Stickley et al

vs { decree

Ross Stickley et al

J. 1870

Enter this decree

Hf Morgan

July 19 1870

Ch. 566

Virginia

At a County Court- continued and held for Lee County
at the Court-house thereof on Tuesday the 19th day of July 1870.

Wright-Stickley et al.,

Plaintiffs

against-

Ross Stickley et al.,

Defendants

} I am to have every

This cause came on this day to be heard + + + +
On consideration whereof, it is adjudged, ordered, and
decreed that Carr Bailey, Granville L Duff, and William
P Duff be appointed commissioners whose duty it shall
be to go upon the land in the bill mentioned and parti-
tion the same, assigning or allotting as to them may seem
proper, having due regard to quantity and quality, to
Wright-Stickley one fifth, to Worth Stickley one fifth, to
Martha Richmond one fifth, to Ross Stickley one fifth,
and to Vastine Stickley one fifth. But if it shall be incon-
venient to make such assignments or allotments the said
commissioners are authorized to assign to any of said
heirs, a greater or less quantity in value than one fifth
and equalize the partition by directing any one or more of
said heirs who shall be allotted a greater quantity than
one fifth, a sum of money sufficient to make up the defi-
ciency, and they are authorized to lay off, the share of any
two or more adjoining if desired, and return a plat
and report of their proceedings to this Court, at its next
term, to which time the cause is continued.

A copy

Teste - James W Orr. D. C. Clerk

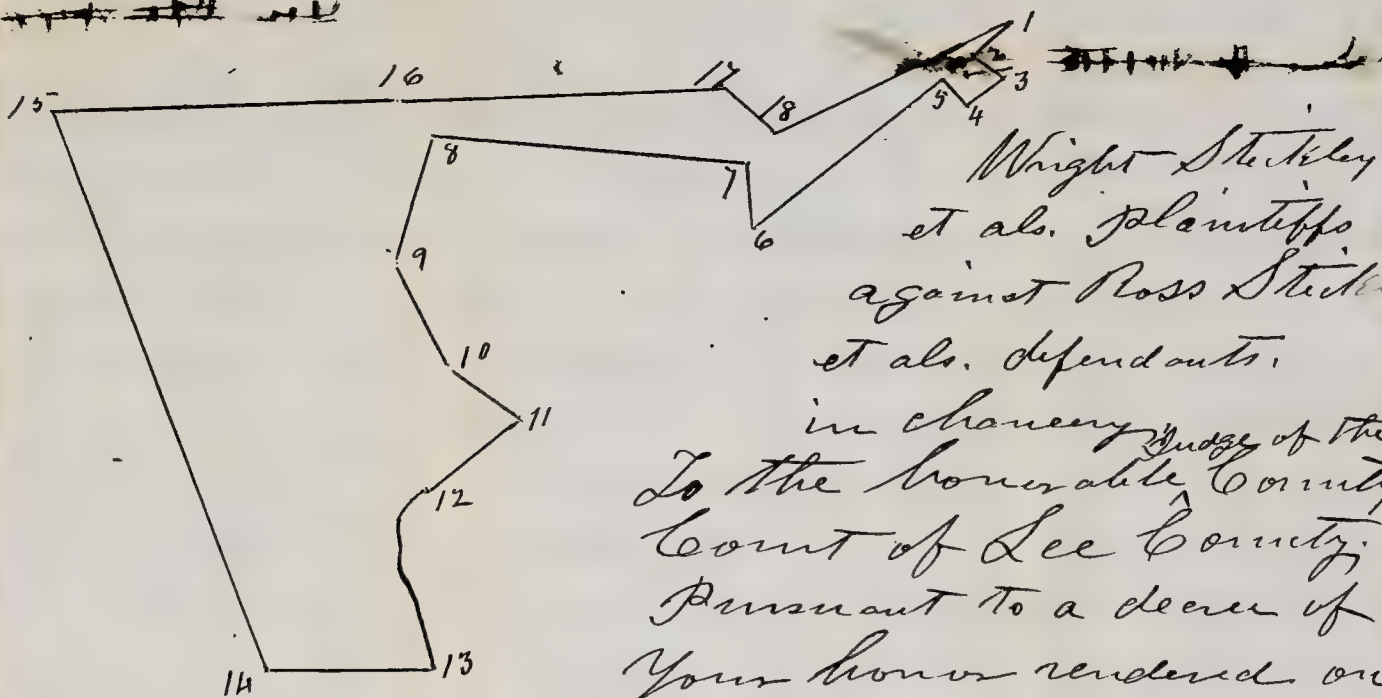
120
Wright-Stickley et al.
vs 3 Copy of Decree
for Partition.
Reas Stickley et al..

Executed

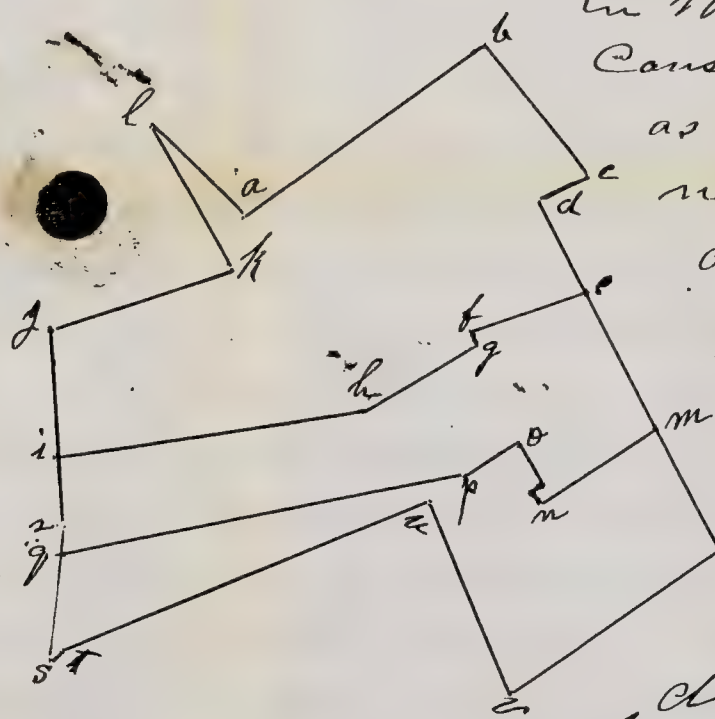
William W. Sage St. C.

chd 66

Fee for 4 copies \$1.00
chd 24



Wright Stickley
et als. plaintiffs
against Ross Stickley
et als. defendants,
in chancery
To the Honorable County
Court of Lee County,
Pursuant to a decree of
Your honor rendered on
the 19. day of July 1870.
in the above named
Cause, The undersigned



as Commissioners
named in said
decree, have
partitioned the
land in the
bill mentioned
and beg leave
to report;
We have had

due regard to
quantity and quality, to Wright Stickley
We have laid off and assigned as his interest
of one fifth part of said land the following
tract, which is known as the Stickleyville
property, and which embraces the houses and
lots where A. J. Litton now resides, which tract
contains 295 acres be the same more or less,
and bounded as follows: Beginning at a double
corner to G. C. Ruff's & C. Young's lands
on the north side of the line of the

Page 2
And with said Duff's lines N. 43. W. 24 poles to
a stake on ~~the~~ the North bank of Wallens Creek
& down the same S. 40. W. 16 poles to a stake.
Thence N. 43. W. 20 poles to a stake ~~on the original line~~
~~on the original line~~ Thence N. 40. E. 16 poles to a stake
on the original line & with the same N. 43. W.
120 poles to a stake on Hannon's land & with
lines thereof N. 85. E. 36 poles to a large white oak
& a dogwood N. 3. E. 167 poles to a white oak
N. 75. W. 75 poles to a poplar on the side of a ridge
S. 63. W. 60 poles to a chestnut on the top of a
spur; S. 35. W. 46 poles to a ^{near the old road} Green Corner to said
Hannon & also a corner to a tract of Cooke's land &
with said Cooke's line N. 41. W. 62 poles to a
Spanish oak at the Lumpsike Road & along said
Road Westwardly 80 poles to the top of Wallens ridge
on Barker's line & with said line North 90
poles to a stake on said line; thence ~~N. 68. E. 312~~
poles to a buckeye, spruce pine & poplar at the
mouth of a branch, near a cliff of rocks, on the
bank of the dry creek & down said creek as it
meanders S. 4. E. 180 poles to a Spanish oak on the
bank of said dry creek corner to said C. Young's
land & with lines thereof S. 4. E. 170 to a stake
on the East side of said creek on said Young's
old line and also on a line of his entry & with lines
of his old tract S. 43. W. 36 poles to a Black walnut
(now down); thence S. 27. E. 134 poles to the
beginning (see fig 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
18, 19.) and we agree that said tract of land is
of greater value than ~~one fifth~~ part of the
land in the ~~will~~ mentioned, and that the said
Wright Stickley shall pay the sum of two
hundred and thirty six dollars, one hundred
dollars to Martha Richmond, and one hundred
and thirty six dollars to Worth Stickley, to
make their shares equal ^{in value} to ~~the~~ one fifth each
of said land.

Page 3
And we have laid off and assigned to
Worth Stickley, as his interest of one fifth
part of said land the following tract, with
the addition of the one hundred and thirty
six dollars to be paid to him by Wright
Stickley, as before mentioned, to make his share
equal in value to one fifth part of said
land. Which tract is bounded as follows.
Beginning at a stake in a hollow ^{on Gravelly mountain} corner to
the tract laid off and assigned to Ross and
Vastine Stickley and on Young's line & with
Young's line S. 62. W. 87 poles to a stake by a
cross fence near a ^{piece of} wood ~~corner~~ corner to the tract
laid off and assigned to Martha Richmond
& with said cross fence and with said lines
N. 32. W. 75 poles to Wallens Creek & up the same
as it meanders 43 poles to a stake on ~~the~~ side of the
90 acre tract & with ~~the~~ said line N. 29. W.
37 1/2 poles to 2 white oaks, a Black oak & 2 ~~small~~
wood sprouts; thence N. 12. W. 210 poles to a
stake on the back line & with the same S. 78. E.
40 poles to a stake on original corner thence with
the original line N. 88. E. 35 poles to a stake corner
to the tract laid off and assigned to Ross and
Vastine Stickley & with lines thereof S. 10. E.
165 poles to a small sourwood near the corner of
a field; thence S. 33. E. 70 poles crossing said Wallens
Creek to an elm pointer on the South bank of said
Creek; thence up said Creek N. 60. E. 5 poles to a stake
thence S. 17. E. 60 poles up said hollow to the
beginning containing 104 acres be the same
more or less. See fig e. m. n. o. p. q. r. s. h. g. f. e.

And we have laid off and assigned to Martha
Richmond, as her interest of one fifth part of
said land the following tract, with the addition
of the one hundred dollars to be paid to her

by Wright Stickley as before mentioned to make
 her share equal in value to one fifth part of
 said land which tract is bounded as follows
 Beginning at a stake by a cross fence near a piece
 woods ~~corner~~ comes to the tract laid off and assigned
 to Worth Stickley & with said cross fence and with
 said line N. 32. W. 75 poles to Wallens Creek &
 up the same as it meanders 43 poles to a stake on
 a line of the 90 acre tract & with said line N. 29. W.
 37 $\frac{1}{2}$ poles to 2 white oaks, a black oak & 2 sourwood
 sprouts; thence N. 12. W. 210 poles to a stake on the
 back line & with the same N 78 W 40 poles to a
 white oak & hickory thence S. 44. E. 6 poles to a stake
 thence S. 23. E. 195 poles to 2 hickories & a small
 chestnut corner to said 90 acre tract & with line
 thereof S. 69. W. 115 poles to a forked white oak
 thence S. 36. E. 144 poles to a cucumber on the north
 side of Powell's mountain; thence along the same
 N. 63. E. 62 $\frac{1}{2}$ poles to the beginning, containing
 94 acres be the same more or less. See fig. m. n. o. p. q.
 st. n. v. w. m. And we have laid off and assigned
 to Ross Stickley and Vastine Stickley, as their
 interest of two fifths of said land, which two
 fifths we have laid off adjoining and together
 which the parties desired us to do. The following
 tract which is bounded as follows. Beginning
 at a hickory corner to Robert Duff's land & with
 a line thereof S. 35. E. 156 poles crossing the valley
 & Wallens Creek to a large poplar on the north side
 of Powell's mountain thence S 53 W 90 poles to a
 buckeye bush & Sugartree pointers corner to Young's
 land & with line thereof N 30 W 30 poles to a
 hewn; thence S. 62. W. 60 poles to a stake in a hollow
 thence down said hollow N. 17. W. 60 poles to a
 stake on the south bank of said creek thence
 down said creek S 60 W 5 poles to an elm
 pointer: thence N. 33. W 70 poles ^{crossing said creek} to a small sourwood

page 5-

near the corner of a field thence N 10 W 165 poles
 to a stake on the back line & with the same
 N 88 E 70 poles to a stake corner to said Robert
 Duff's 50 acre Survey & with line of the same
 S 28 E 105 poles ~~to a large chestnut & a~~
 small poplar thence N 62 E 90 poles to a white oak
 corner to said tract and also corner to the old
 patent land & with a line of the latter S 46 W
 69 poles to the beginning, containing 190
 acres be the same more or less (see Fig a. b. c.
 d. e. f. g. h. i. j. k. l. a. we consider these two
 shares equal in value to two fifths of the
 land in the bill mentioned, And it appearing
 to your Commissioners that there has been a suit
 brought in the circuit court of Lee County by
 one Smyth Crabtree for the recovery of a part
 of the land which has been laid off and assigned
 to Wright Stickley. now we have laid off
 and assigned said land without any condition
 acting on the principle that the title to all the
 land is good.

All of which is respectfully submitted

September 2 1870

Carr Bailey }
 Granville C. Duff } Comrs.
 William P. Duff }

as Commissioners & Surveyors
 Carr Bailey's fees \$24.56
 Granville C. Duff 3 days 6.00
 William P. Duff 2 days 4.00

~~copy to be made~~
^{10/11/71}
Wright, Stebbins, et al.
vs. Ross, Smith, et al.
Commissaries

Plot and Report
of partition of lands

1870 Sept. Rules Filed,
Jus. P. West, Clk

Recorded in Deed Book
No 16. page 139. 140 & 141,
James W Orr, D.C;

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Ross stickley, and Vastine stickley,*

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *1st* Monday in *May* next, to answer a bill in chancery, exhibited in our said court, against *them* by *Wright stickley, Worth stickley, Benjamin F. Richmond, (and) Martha A. Richmond.*

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this, *8th* day of *April* 18*70*, in the *94th* year of the Commonwealth.

John B. West Clerk

^(HFF)
Wright Stickley et al
vs & spa in chy

Rob Stickley et al
May Rules 1870.

Executed
William W. Sage
J. L.